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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 ABDUL SIDDIQ, ) CASE NO. C08-0593-TSZ-MAT  
08 )  
08 Petitioner, )  
09 )  
09 v. ) ORDER  
10 )  
10 RON VAN BOENING, )  
11 )  
11 Respondent. )  
12 \_\_\_\_\_ )

13 Counsel for petitioner Abdul Siddiq sought a sixty-day stay in order to enter a notice of  
14 appearance in state court for petitioner's pending personal restraint petition (PRP), investigate the  
15 bases for the PRP, and seek to amend the PRP if appropriate. (Dkt. 21 at 3.) Before the end of  
16 the sixty-day period, he would then notify the Court whether the stay should be dissolved or  
17 continued. ( *Id.*) The Court found that a sixty-day stay would be reasonable under the  
18 circumstances and ordered petitioner to, on or before October 24, 2008, either: (1) withdraw his  
19 motion to strike and submit a response to respondent's answer; or (2) reassert his request for a  
20 stay by filing an amended motion to stay based on the inclusion of federal constitutional claims in  
21 the pending PRP. (Dkt. 22 at 3 (hereinafter "Stay Order").) The Court noted that if petitioner  
22 withdrew his motion to strike and submitted a response, respondent's answer would be renoted

01 for consideration on October 31, 2008, with respondent's optional reply due on or before that  
02 same date. (*Id.*) On the other hand, if petitioner submitted an amended motion to stay, the Court  
03 would renote respondent's answer pending resolution of the amended motion. ( *Id.*) These  
04 deadlines have now passed and petitioner's counsel has failed to file anything.

05       Although confusion is no excuse for disregarding a directive, the Court recognizes that  
06 counsel may have misinterpreted the Stay Order given that the Order both acknowledged the  
07 reasonableness of a sixty-day stay and set deadlines of approximately half that length. The Court  
08 will therefore extend the deadlines by which petitioner must comply with the Stay Order. The  
09 Court orders petitioner to, on or before **November 21, 2008**, either: (1) withdraw his motion to  
10 strike and submit a response to respondent's answer; or (2) reassert his request for a stay by filing  
11 an amended motion to stay based on the inclusion of federal constitutional claims in the pending  
12 PRP. Should petitioner withdraw his motion to strike and submit a response, respondent's answer  
13 will be renoted for consideration on **December 5, 2008**, with respondent's optional reply due on  
14 or before that same date. Should petitioner submit an amended motion to stay, the Court will  
15 renote respondent's answer pending resolution of the amended motion. Should petitioner fail to  
16 heed these extended deadlines, this action may be dismissed for failure to prosecute.

17       The Clerk is directed to send a copy of this Order to the parties and to the Honorable  
18 Thomas S. Zilly.

19       DATED this 10th day of November, 2008.

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21   
22 Mary Alice Theiler  
United States Magistrate Judge